

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
FILE NO. 5:24-CR-245-BO-RJ-1

UNITED STATES OF AMERICA,	)	
	)	
v.	)	REQUEST FOR DISCOVERY
	)	
KAI NIX,	)	
	)	
Defendant.	)	

NOW COMES the Defendant, by and through the undersigned counsel, who does hereby request that the Government provide the Defendant with all discovery materials in the above-captioned case, including but not limited to all exculpatory and impeachment evidence, as required by *Napue v. Illinois*, 360 U.S. 264 (1959), *Brady v. Maryland*, 373 U.S. 83 (1963), *Giles v. Maryland*, 386 U.S. 66 (1967), *Giglio v. United States*, 405 U.S. 150 (1972), and *Kyles v. Whitley*, 514 U.S. 419 (1995).

In addition, the Defendant requests that the Government provide the Defendant with any and all information described in Federal Rules of Criminal Procedure 16 and also Local Criminal Rule 16.1, EDNC, including but not limited to the following information:

1. Defendant's Oral Statement: the Defendant requests that the Defendant be provided with the substance of any relevant oral statement made by the Defendant, before or after arrest, in response to interrogation by a person the Defendant knew was a Government agent if the Government intends to use the statement at trial. The Defendant also requests that the Defendant be permitted to inspect and copy or photograph any

relevant written or recorded statements or confessions made by the Defendant, or copies thereof, within the possession, custody, or control of the Government, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the Government.

2. Defendant's Written or Recorded Statement: the Defendant requests that the Government disclose and make available to the Defendant for inspection, copying, or photographing, all of the following: (i) any relevant written or recorded statement by the Defendant if the statement is within the Government's possession, custody, or control; and the attorney for the Government knows, or through due diligence could know, that the statement exists; (ii) the portion of any written record containing the substance of any relevant oral statement made before or after arrest if the Defendant made the statement in response to interrogation by a person the Defendant knew was a Government agent; and (iii) the Defendant's recorded testimony before a grand jury relating to the charged offense. The Defendant also requests that the Defendant be permitted to inspect and copy or photograph any relevant recorded testimony of the Defendant before a grand jury.

3. Defendant's Prior Record: the Defendant requests that the Government give the Defendant a copy of the Defendant's prior criminal record that is within the Government's possession, custody, or control if the attorney for the Government knows--or through due diligence could know--that the record exists, including but not limited to the Federal Bureau of Investigation Identification Sheet.

4. Documents and Objects: the Defendant requests that the Government permit the Defendant to inspect and to copy or photograph books, papers, documents,

data, photographs, tangible objects, buildings or places, or copies or portions of any of these items, if the item is within the Government's possession, custody, or control and: (i) the item is material to preparing the defense; (ii) the Government intends to use the item in its case-in-chief at trial; or (iii) the item was obtained from or belongs to the Defendant. The Defendant also requests that the Defendant be permitted to inspect and copy or photograph books, papers, documents, tangible objects, buildings, or places which are the property of the Defendant and which are within the possession, custody, or control of the Government.

5. Reports of Examinations and Tests: the Defendant requests that the Government permit the Defendant to inspect and to copy or photograph the results or reports of any physical or mental examination and of any scientific test or experiment if: (i) the item is within the Government's possession, custody, or control; (ii) the attorney for the Government knows--or through due diligence could know--that the item exists; and (iii) the item is material to preparing the defense or the Government intends to use the item in its case-in-chief at trial. The Defendant also requests that the Defendant be permitted to inspect and copy or photograph any relevant results or reports of physical or mental examinations, and or scientific tests or experiments made in connection with the case, or copies thereof, within the possession, custody, or control of the Government, the existence of which is known, or by the exercise of due diligence may become known to the attorney for the Government.

6. Expert witnesses: the Defendant requests that the Government give the Defendant a written summary of any testimony that the Government intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence during its case-in-chief at trial.

The summary provided under this subparagraph must describe the witness's opinions, the bases and reasons for those opinions, and the witness's qualifications.

7. Other evidence: the Defendant requests that the Government permit the Defendant to inspect, copy, or photograph any and all exculpatory evidence and/or evidence that tends to impeach a Government witness or other Government evidence.

This the 1st day of October, 2024.

LAW OFFICES OF KEITH A. WILLIAMS, P.A.

By: /s/ Keith A. Williams  
KEITH A. WILLIAMS  
P.O. Box 1965  
321 South Evans Street, Suite 103  
Greenville, NC 27835  
Phone: 252/931-9362  
Fax: 252/830-5155  
N.C. Bar Number 19333  
E-mail: [keith@williamslawonline.com](mailto:keith@williamslawonline.com)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date shown below, he electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following: Assistant United States Attorney Gabriel Diaz.

This the 1st day of October, 2024.

LAW OFFICES OF KEITH A. WILLIAMS, P.A.

By: /s/ Keith A. Williams  
KEITH A. WILLIAMS  
P.O. Box 1965  
321 South Evans Street, Suite 103  
Greenville, NC 27835  
Phone: 252/931-9362  
Fax: 252/830-5155  
N.C. Bar Number 19333  
E-mail: keith@williamslawonline.com